

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #:
DATE FILED: 07/31/2015

-----X
MICHAEL WARD d/b/a BRAINTEASER
PUBLICATIONS,

Plaintiff,

-v-

BARNES & NOBLE, INC., et al.,

Defendants.
-----X

13-CV-7851 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Attached to this order is the jury's verdict form (Court Exhibit 2).

SO ORDERED.

Dated: July 31, 2015
New York, New York



JESSE M. FURMAN
United States District Judge

COURT EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL WARD d/b/a BRAINTEASER
PUBLICATIONS,

Plaintiff,

-v-

BARNES & NOBLE, INC., et al.,

Defendants.
-----X

13-CV-7851 (JMF)

VERDICT FORM

PLEASE CIRCLE YOUR ANSWERS

All Answers Must Be Agreed to by all Eight (8) out of Eight (8) Jurors

1. Has Plaintiff proved, by a preponderance of the evidence, that he owned a valid U.S. copyright that encompasses the game instructions that appear in the Original Sterling Books?

YES

NO

[If you answered "No" with respect to Question 1, then skip the rest of the questions. Sign your names in the space provided below, fill in the date and time, and inform the court security officer — with a note, not the Verdict Form itself — that you have reached a verdict. If you answered "Yes," proceed to Question 2.]

2. Has Plaintiff proved, by a preponderance of the evidence, that the game instructions that appear in the book entitled *Trivia Hangman* by Francis Heaney infringe Plaintiff's copyright in the Original Sterling Books?

YES

NO

If so, which Defendants (Barnes & Noble, Sterling, Francis Heaney, & Patrick Blindauer) do you find liable for that infringement?

[Regardless of your answer to Question 2, proceed to Question 3.]

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3. Has Plaintiff proved, by a preponderance of the evidence, that the game instructions that appear in *Hollywood Hangman* by Patrick Blindauer infringe Plaintiff's copyright in the Original Sterling Books?

YES NO

If so, which Defendants (Barnes & Noble, Sterling, Francis Heaney, & Patrick Blindauer) do you find liable for that infringement?

[Regardless of your answer to Question 3, proceed to Question 4.]

4. Has Plaintiff proved, by a preponderance of the evidence, that the game instructions that appear in *Science Hangman*, *Geography Hangman*, and *Spelling Bee Hangman* by Jack Ketch infringe Plaintiff's copyright in the Original Sterling Books?

YES NO

If so, which Defendants (Barnes & Noble, Sterling, Francis Heaney, & Patrick Blindauer) do you find liable for that infringement?

*[If you answered "No" to **all** of the previous three questions (Questions 2, 3 & 4), then skip the rest of the questions. Sign your names in the space provided below, fill in the date and time, and inform the court security officer — with a note, not the Verdict Form itself — that you have reached a verdict. If you answered "Yes" to **any** of the previous three questions (Questions 2, 3, & 4), then proceed to Question 5.]*

5. Do you find that Defendants' infringement was committed innocently?

YES NO

If so, what statutory damages do you award Plaintiff (between \$200 and \$30,000)? \$_____

[If you answered "Yes" to Question 5, then skip the rest of the questions. Sign your names in the space provided below, fill in the date and time, and inform the court security officer — with a note, not the Verdict Form itself — that you have reached a verdict. If you answered "No" to Question 5, proceed to Question 6.]

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6. Do you find that Defendants' infringement was committed not willfully or willfully?

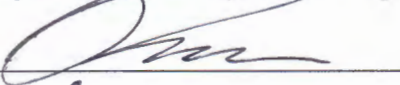
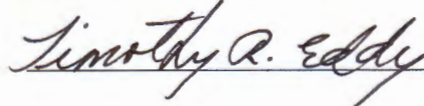
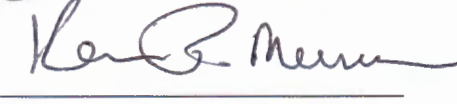

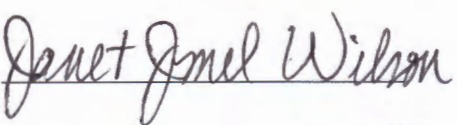

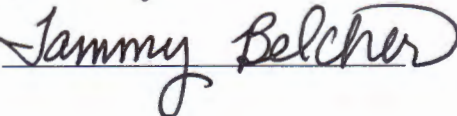

NOT WILLFULLY _____ WILLFULLY _____

If you answered "Not Willfully" to Question No. 6, what statutory damages do you award Plaintiff (between \$750 and \$30,000)? \$ _____

If you answered "WILLFULLY" to Question No. 6, what statutory damages do you award Plaintiff (between \$750 and \$150,000)? \$ _____

[Sign your names in the space provided below, fill in the date and time, and inform the court security officer — with a note, not the Verdict Form itself — that you have reached a verdict.]

After completing the form, each juror who agrees with this verdict must sign below:

Date and Time: 7/30/15, 4:33pm